

1 ROB BONTA
Attorney General of California
2 NORMAN D. MORRISON
Supervising Deputy Attorney General
3 DIANA ESQUIVEL
Deputy Attorney General
4 State Bar No. 202954
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 210-7320
Facsimile: (916) 322-8288
7 E-mail: Diana.Esquivel@doj.ca.gov
8 *Attorneys for Defendants Blackwood, Kee, and
Rubalcava*

9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE CENTRAL DISTRICT OF CALIFORNIA
11 RIVERSIDE DIVISION
12

13 **JONATHAN WAYNE BOTTEN,**
14 **SR., et al.,**

15 Plaintiffs,

16 v.

17 **STATE OF CALIFORNIA, et al.,**

18 Defendants.
19
20

No. 5:23-cv-257 KK (SHKx)

**DECLARATION OF DIANA
ESQUIVEL IN SUPPORT OF
STATE DEFENDANTS' MOTION
FOR SUMMARY JUDGMENT**

Date: March 20, 2025
Time: 9:30 a.m.
Courtroom: 3 (3rd Floor)
Judge: The Honorable Kenly
Kiya Kato
Trial Date: July 28, 2025
Action Filed: February 17, 2023

21
22 I, Diana Esquivel, declare:

23 1. I am admitted to practice law in California and before this Court, and am a
24 Deputy Attorney General with the Office of the Attorney General for the State of
25 California, attorneys of record for Defendants California Highway Patrol (CHP)
26 Officers Michael Blackwood, Isaiah Kee, and Bernardo Rubalcava. (State
27 Defendants).
28

1 2. Exhibit A is a true and correct copy of an aerial photograph taken from
2 CHP Unit H-82 (bates stamped AG0674). I added text boxes to identify the streets
3 and the locations of decedent Hector Puga's body and other material objects. Other
4 than adding the text boxes and arrows, the photograph has not been altered in any
5 other manner.

6 3. Exhibit B is a true and correct copy of the Mobile Video Audio Recording
7 System (MVARs), Part 1, from the patrol unit Defendant Kee drove on February
8 17, 2021.

9 4. Exhibit C is a true and correct copy of the MVARs, Part 2, from the patrol
10 unit Defendant Kee drove on February 17, 2021.

11 5. Exhibit D is a true and correct copy of the MVARs, Part 1, from the patrol
12 unit Defendant Blackwood drove on February 17, 2021.

13 6. Exhibit E is a true and correct copy of the MVARs, Part 2, from the patrol
14 unit Defendant Blackwood drove on February 17, 2021.

15 7. Exhibit F is a true and correct copy of the MVARs, Part 3, from the patrol
16 unit Defendant Blackwood drove on February 17, 2021.

17 8. Exhibit G is a true and correct copy of the MVARs, Part 4, from the patrol
18 unit Defendant Blackwood drove on February 17, 2021.

19 9. Exhibit H is a true and correct copy of the relevant cellphone footage that
20 Edward Mangerino recorded on February 17, 2021, from inside his home and that
21 was produced in discovery as bates stamped COSB001459.

22 10. Exhibit I is a true and correct copy of the relevant cellphone footage that
23 Erin Mangerino recorded on February 17, 2021, from inside her home and that was
24 produced in discovery as bates stamped COSB001416.

25 11. Exhibit J is a true and correct copy of the relevant cellphone footage that
26 Betzbeth Gonzalez recorded on February 17, 2021, from inside her home and that
27 was produced in discovery as bates stamped PLAINTIFF 0241.
28

1 12. Exhibit K is a true and correct copy of the relevant cellphone footage that
2 Plaintiff Jonathan W. Botten Sr. recorded on February 17, 2021, and that was
3 produced in discovery as bates stamped COSB001469.

4 13. Exhibit L is a true and correct copy of the relevant portion of the audio
5 recorded interview of Plaintiff Annabelle Botten, conducted on February 17, 2021,
6 at 10:11 a.m. by Detective Hernandez of the San Bernardino County Sheriff's
7 Office. The recording was produced in discovery as bates stamped COSB001379.

8 14. Exhibit M is a true and correct copy of the relevant portion of the audio
9 recorded interview of Plaintiff Jonathan W. Botten, Sr., conducted on February 17,
10 2021, at 9:05 a.m. by Detective Hernandez of the San Bernardino County Sheriff's
11 Office. The recording was produced in discovery as bates stamped COSB001391.

12 15. Exhibit N is a true and correct copy of the CHP Arrest-Investigation
13 Report (CHP 216), No. F03885021, concerning the February 16, 2021 freeway
14 shooting incident allegedly involving decedent Puga.

15 16. Exhibit O are excerpts of the relevant portions of the transcript of
16 Defendant Kee's deposition testimony, taken on November 5, 2024, in this matter.

17 17. Exhibit P are excerpts of the relevant portions of the transcript of
18 Defendant Blackwood's deposition testimony, taken on November 4, 2024, in this
19 matter.

20 18. Exhibit Q are excerpts of the relevant portions of the transcript of
21 Defendant Rubalcava's deposition testimony, taken on November 4, 2024, in this
22 matter.

23 19. Exhibit R are excerpts of the relevant portions of the transcript of
24 Defendant Deputy Jake Adams' deposition testimony, taken on November 12,
25 2024, in this matter.

26 20. Exhibit S are excerpts of the relevant portions of the transcript of third-
27 party witness Edward Mangerino's deposition testimony, taken on November 25,
28 2024, in this matter.

1 21. Exhibit T are excerpts of the relevant portions of the transcript of third-
2 party witness Tammy Goodson's deposition testimony, taken on November 26,
3 2024, in this matter.

4 22. Exhibit U are excerpts of the relevant portions of the transcript of Plaintiff
5 Jonathan W. Botten, Sr.'s deposition testimony, taken on December 16, 2024, in
6 this matter.

7 23. Exhibit V are excerpts of the relevant portions of the transcript of Plaintiff
8 Tanja Botten's deposition testimony, taken on December 13, 2024, in this matter.

9 24. Exhibit W are excerpts of the relevant portions of the transcript of
10 Plaintiff Annabella M. Botten's deposition testimony, taken on December 16, 2024,
11 in this matter.

12 25. Exhibit X are excerpts of the relevant portions of the transcript of minor
13 Plaintiff J.B.'s deposition testimony, taken on December 13, 2024, in this matter.

14 26. Exhibit Y is a true and correct copy of the Greg Meyer's expert report

15 I declare under penalty of perjury under the laws of the United States and the
16 State of California that the foregoing statements are true and correct.

17 Dated: January 30, 2025

18 /s/ Diana Esquivel
Diana Esquivel

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